

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENYS NAMYSTIUK,
Plaintiff,

No. C 15-03078 WHA

v.

**ORDER REFERRING MOTION
FOR JUDICIAL RECUSAL**

SMITH BARNEY and JAINA SYSTEMS
NETWORK, INC.,
Defendants.

Plaintiff Denys Namistiuk has filed a motion to disqualify the undersigned judge (Dkt. Nos. 38–39).

Section 144 of Title 28 of the United States Code states:

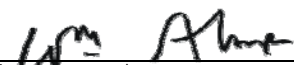
Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

Plaintiff's motion shall be heard by another judge. The Clerk shall please **RANDOMLY REASSIGN** the motion for recusal to be heard **BY ANOTHER JUDGE**.

IT IS SO ORDERED.

Dated: December 21, 2015.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE